

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Scott Carlton	Team: Squad #16	CCRB Case #: 201801004	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 02/04/2018 4:45 PM, Monday, 02/05/2018 , Sunday, 03/04/2018	Location of Incident: 73rd Precinct stationhouse; over the telephone	Precinct: 73	18 Mo. SOL 8/4/2019	EO SOL 8/4/2019	
Date/Time CV Reported Mon, 02/05/2018 10:58 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 02/05/2018 10:58 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Crystal Horne	11077	949115	073 PCT
2. POF Stacey Ellis	22414	946968	073 DET
3. An officer			073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Sean Slowski	17713	959253	073 PCT
2. POM Adaryll Stephens	8776	955533	073 PCT
3. SGT Kenny Chan	00250	926460	073 PCT
4. POM Angelo Rossignolo	16314	951181	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Stacey Ellis	Force: On February 4, 2018, at the 73rd Precinct stationhouse, Police Officer Stacey Ellis used physical force against § 87(2)(b)	
B.POF Crystal Horne	Abuse: On February 4, 2018, at the 73rd Precinct stationhouse, Police Officer Crystal Horne threatened § 87(2)(b) with the use of force.	
C.POF Stacey Ellis	Abuse: On February 4, 2018, at the 73rd Precinct stationhouse, Police Officer Stacey Ellis threatened § 87(2)(b) with the use of force.	
D.POF Stacey Ellis	Abuse: On February 4, 2018, at the 73rd Precinct stationhouse, Police Officer Stacey Ellis threatened to seize § 87(2)(b)'s property.	
E.POF Crystal Horne	Abuse: On February 4, 2018, at the 73rd Precinct stationhouse, Police Officer Crystal Horne threatened to seize § 87(2)(b)'s property.	
F. An officer	Abuse: On March 4, 2018, over the telephone, an officer threatened to arrest § 87(2)(b)	
G. An officer	Abuse: On March 4, 2018, over the telephone, an officer refused to provide his name to § 87(2)(b)	

## Case Summary

On February 5, 2018, § 87(2)(b) reported the following complaint to the CCRB via the call processing system (Board Review 01).

On February 4, 2018, at approximately 4:45 p.m., PO Crystal Horne, a Domestic Violence Officer in the 73<sup>rd</sup> Precinct, informed § 87(2)(b) who had come to the 73<sup>rd</sup> Precinct stationhouse in Brooklyn to drop off his children with their mother § 87(2)(b), that he was under arrest because he had reportedly violated an order of protection at an earlier time. § 87(2)(b) held his pet dog on a leash. PO Stacey Ellis grabbed the dog leash by the handle and pulled forcefully so that she squeezed § 87(2)(b)'s right index and middle finger, which were wrapped around the leash handle (**Allegation A: Force**, § 87(2)(g)). § 87(2)(b) told PO Ellis not to touch his dog, to which PO Horne stated, "I'll touch you all over. I'll touch your dog. I'll touch you" (**Allegation B: Abuse of Authority**, § 87(2)(g)). PO Ellis repeated these phrases, which § 87(2)(b) understood as a threats of force against him (**Allegation C: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) stated that he wanted his friend, § 87(2)(b) who was present outside the stationhouse, to take the dog. PO Ellis responded, "You don't tell us anything. Your dog ain't going nowhere. You'll see. I'll make sure you don't get your dog" (**Allegation D: Abuse of Authority**, § 87(2)(g)). PO Horne said to § 87(2)(b) "You ain't gonna get your dog," and stated that the dog would "disappear" (**Allegation E: Abuse of Authority**, § 87(2)(g)). Once § 87(2)(b) was placed in a holding cell, PO Horne stated to § 87(2)(b) "I'm gonna touch you all over. I'm gonna touch your dog," and, "I'm gonna touch you anyway, you'll see" (**Allegation B, continued**).

On March 4, 2018, at approximately 9:30 a.m., § 87(2)(b) called the 73<sup>rd</sup> Precinct stationhouse to inform the officers that he would be unable to pick up his children from § 87(2)(b) at the 73<sup>rd</sup> Precinct stationhouse that day. The unidentified male officer who answered the telephone said, "If you don't come and pick up those children, you're arrested," and "If you don't show up and see § 87(2)(b) files a report against you, you could get arrested" (**Allegation F: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked with whom he was speaking, to which the unidentified officer said he did not have to explain who he was (**Allegation G: Abuse of Authority**, § 87(2)(g)).

No video evidence of the incident was obtained by the investigation.

## Findings and Recommendations

### **Allegation (A) Force: On February 4, 2018, at the 73<sup>rd</sup> Precinct stationhouse, Police Officer Stacey Ellis used physical force against § 87(2)(b)**

It is in dispute whether or not Police Officer Ellis used physical force against § 87(2)(b)

In his verified statement at the CCRB, § 87(2)(b) stated that he and § 87(2)(b) had a court-ordered agreement in which § 87(2)(b) picked up and dropped off his children with § 87(2)(b) at the 73<sup>th</sup> Precinct stationhouse on predetermined dates for four hours each day (Board Review 08). On February 4, 2018, § 87(2)(b) was summoned by PO Horne to the Domestic Violence

Office on the second floor of the stationhouse after he dropped his children off and told that he was under arrest. § 87(2)(b) held his dog on a retractable leash with a round handle that was large enough for two people to hold. PO Ellis repeatedly told § 87(2)(b) to give her the dog. PO Ellis then grabbed the leash so that she squeezed § 87(2)(b)'s right index and middle finger, which were wrapped around the leash handle. The pressure on § 87(2)(b)'s fingers caused numbness that lasted several hours. § 87(2)(b) snapped his hand back slightly and told PO Ellis to release the leash as she held onto the other side of the handle. § 87(2)(b) believed that when PO Ellis squeezed his fingers, she did so intentionally as a hostile gesture which suggested to § 87(2)(b) that she wanted to hurt him (Board Review 11). PO Ellis pulled the leash forcefully as she told § 87(2)(b) to give her the dog (Board Review 08). § 87(2)(b) handed the dog leash to PO Sean Slowski in order to diffuse the situation, and asked him to bring the pet to § 87(2)(b), his friend who was waiting outside the stationhouse.

PO Ellis stated that at the time of the incident she had entered the Domestic Violence Office in order to fax paperwork in regard to a robbery she was investigating in her work for the 73<sup>rd</sup> Precinct Detective Squad (Board Review 12). As she did so, PO Ellis overheard a conversation between PO Horne and § 87(2)(b) in which PO Horne explained to § 87(2)(b) that he was under arrest. PO Ellis did not pay close attention to what was said. PO Ellis did not ask for § 87(2)(b) to give her the dog, and did not recall if other officers in the room did so. § 87(2)(b) told PO Slowski that he could take the dog and gave the dog to him. PO Ellis did not hear § 87(2)(b) refuse to give the dog to any officers, and did not complain that the dog had been taken from him. PO Ellis did not grab the leash with her hand and squeeze § 87(2)(b)'s fingers, nor did she see any officer do so. PO Slowski handed the dog by the leash to PO Ellis and asked her to hold it while § 87(2)(b) was handcuffed and brought downstairs to a holding cell by PO Slowski and PO Horne. PO Ellis waited in the Domestic Violence Office with the dog leash in hand until PO Horne returned to the office, at which time she handed the leash to PO Horne and left the office. PO Ellis did not make physical contact with § 87(2)(b) at any point. She did not hear § 87(2)(b) complain of pain or numbness in his fingers.

PO Horne's statement was largely consistent with that of PO Ellis, though PO Horne stated that she asked § 87(2)(b) to relinquish the dog to her so that he could be arrested approximately fifteen times over three to four minutes (Board Review 13). § 87(2)(b) was not compliant in releasing the dog to PO Horne. PO Ellis and PO Slowski also told § 87(2)(b) to release the dog leash. PO Horne did not remember which officer retrieved the dog from § 87(2)(b). She did not recall that any officer, including herself, grabbed the leash, and no officer grabbed the leash so that § 87(2)(b)'s right index and middle finger were squeezed. She did not hear § 87(2)(b) complain that any officer made physical contact with him when the dog was taken.

The Medical Treatment of Prisoner form completed for § 87(2)(b) indicates that the nature of § 87(2)(b)'s injury as of 5:50 p.m. was leg pain (Board Review 14). § 87(2)(b) § 87(2)(b) emergency department exit paperwork indicates a diagnosis of muscle strain in his lower leg (Board Review 15). The § 87(2)(b) exit paperwork does not mention an injury to § 87(2)(b)'s hand.

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation (B) Abuse of Authority: On February 4, 2018, at the 73<sup>rd</sup> Precinct stationhouse, Police Officer Crystal Horne threatened § 87(2)(b) with the use of force.**  
**Allegation (E) Abuse of Authority: On February 4, 2018, at the 73<sup>rd</sup> Precinct stationhouse, Police Officer Crystal Horne threatened to seize § 87(2)(b)'s property.**

It is in dispute whether or not PO Horne threatened to use force against § 87(2)(b) or seize his property.

§ 87(2)(b) stated that he told PO Ellis not to touch his dog as she grabbed the dog's leash (Board Review 08). PO Horne responded, "I'll touch you all over. I'll touch your dog. I'll touch you." § 87(2)(b) was handcuffed, brought downstairs, and directed to stand in a corner while PO Horne stood behind a desk and asked him questions. From behind the desk, PO Horne said, "You ain't gonna get your dog." She explained to § 87(2)(b) that the dog was NYPD property and stated in substance that it was going to "disappear." PO Horne later approached § 87(2)(b) in his holding cell to read his Miranda Rights and obtain his signature on documents. § 87(2)(b) told PO Horne that he was not comfortable interacting with or being alone with PO Horne. PO Horne said, "I'm gonna touch you all over. I'm gonna touch your dog." PO Horne subsequently approached § 87(2)(b)'s cell in order to attempt to read his § 87(2)(b)'s Miranda Rights and obtain his signature on documents again. § 87(2)(b) stated he was not comfortable being with § 87(2)(b). PO Horne told § 87(2)(b) "Well I'm gonna touch you anyway, you'll see." § 87(2)(b) understood these comments as threats to physically hurt him (Board Review 11). Her tone was angry, unprofessional, and aggressive, as if she had "lost control of herself" because the arrest was not proceeding in the way she wanted.

In her interview at the CCRB, PO Horne stated that she attempted to have § 87(2)(b) call a relative to retrieve the dog so that she did not have to take it to animal control, but § 87(2)(b) was not responsive (Board Review 13). PO Horne did not tell § 87(2)(b) that he would not get his dog back, that the dog would be harmed, or that the dog would disappear. PO Horne did not say, "You ain't gonna get your dog." § 87(2)(b) did not have any reason to believe that the dog would not be safe. PO Horne did not recall that § 87(2)(b) verbally expressed that he thought the dog was unsafe. After he was handcuffed, PO Horne did not make any mention of the dog to § 87(2)(b). As § 87(2)(b) was placed in a holding cell, PO Horne explained to § 87(2)(b) that he would be searched for contraband as was procedure. § 87(2)(b) told PO Horne not to touch him, in reference to a wallet in his back pocket. PO Horne stated, "I have to touch you. You have to be searched before you go in the cell." PO Horne explained that the reason she needed to touch him was to remove the wallet from his pocket. Her language made clear that this was her sole intent and that she did not intend to physically harm § 87(2)(b). Her tone was stern and assertive but she did not yell. She did not make any other comment to § 87(2)(b) about touching him during the incident. PO Horne did not say, "I'll touch you all over. I'll touch your dog. I'll touch you." She did not

say, “I’m gonna touch you all over. I’m gonna touch your dog.” PO Horne did not say, “I’m gonna touch you anyway, you’ll see.”

PO Ellis’ account was consistent with that of PO Horne. PO Ellis stated that she did not hear any officer make a comment about the dog (Board Review 12). She did not recall any reason that § 87(2)(b) might have believed the dog was unsafe, and § 87(2)(b) did not say that his dog was being threatened. No officers said they would make physical contact with § 87(2)(b) or said that they would touch § 87(2)(b) in the presence of PO Ellis.

Documentary evidence obtained by the investigation neither confirmed nor disputed § 87(2)(b)’s account, and there were no witness statements to overcome the conflicting testimony.

§ 87(2)(b), § 87(2)(g)

**Allegation (C) Abuse of Authority: On February 4, 2018, at the 73<sup>rd</sup> Precinct stationhouse, Police Officer Stacey Ellis threatened § 87(2)(b) with the use of force.**  
**Allegation (D) Abuse of Authority: On February 4, 2018, at the 73<sup>rd</sup> Precinct stationhouse, Police Officer Stacey Ellis threatened to seize § 87(2)(b)’s property.**

It is in dispute whether or not PO Ellis threatened to use force against § 87(2)(b) or seize his property.

§ 87(2)(b) stated that after PO Ellis grabbed his dog’s leash and PO Horne stated, “I’ll touch you all over. I’ll touch your dog. I’ll touch you,” PO Ellis repeated these comments to § 87(2)(b) (Board Review 08). Once handcuffed, § 87(2)(b) told the officers that he wanted his dog to be given to § 87(2)(b) who was downstairs. PO Ellis responded, “You don’t tell us anything. Your dog ain’t going nowhere. You’ll see. I’ll make sure you don’t get your dog.” § 87(2)(b) believed that PO Ellis’ statements about touching him and about his dog were threats of force because PO Ellis’ demeanor was aggressive toward § 87(2)(b) throughout his interaction with her, and she made these comments in a hostile manner like somebody “from the streets” (Board Review 11). § 87(2)(b) believed the comments were unjustified as he was simply holding his dog by the leash as he attempted to determine what was happening to him and why.

In her interview with the CCRB, PO Ellis stated that she did not tell § 87(2)(b) that he would not get his dog back, that the dog would disappear, or that the dog would be harmed (Board Review 12). She did not say, “You don’t tell us anything. Your dog ain’t going nowhere. You’ll see. I’ll make sure you don’t get your dog.” PO Ellis did not make any comments about the dog to § 87(2)(b) and did not recall any reason that § 87(2)(b) might have believed the dog was unsafe. PO Ellis did not tell § 87(2)(b) that she would touch him or make physical contact with him. She did not say “I’ll touch you all over. I’ll touch your dog. I’ll touch you.” PO Ellis did not remember that she spoke to § 87(2)(b) during the encounter.

PO Horne's account was consistent with that of PO Ellis. PO Horne stated that she did not hear any officer make a comment about the dog (Board Review 13). PO Horne did not hear any comments made to § 87(2)(b) to suggest that his dog would be harmed or would not be returned. She did not hear officers comment that they would touch or make physical contact with § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (F) Abuse of Authority: On March 4, 2018, over the telephone, an officer threatened to arrest § 87(2)(b)**

**Allegation (G) Abuse of Authority: On March 4, 2018, over the telephone, an officer refused to provide his name to § 87(2)(b)**

§ 87(2)(b) stated that, on March 4, 2018 at 9:30 a.m., he called a telephone number which he believed to be that of the 73<sup>rd</sup> Precinct Detective Squad in order to ask that an officer communicate to § 87(2)(b) that he would be unable to pick up his children at the 73<sup>rd</sup> Precinct stationhouse that day (Board Review 11). A male responded, stating his name quickly and incomprehensibly. The respondent instructed § 87(2)(b) to have a third party contact § 87(2)(b) but § 87(2)(b) told him this would be a violation of his order of protection. The respondent stated, "Well, if you don't pick up those children, you're arrested." § 87(2)(b) asked with whom he was speaking, to which the respondent said he did not have to explain who he was. § 87(2)(b) believed the respondent did not want § 87(2)(b) to know his name. The respondent said, "If you don't show up and she files a report against you, you could get arrested." § 87(2)(b) described the respondent as a male officer from the 73<sup>rd</sup> Precinct who was possibly a detective, but was unable to provide any additional details.

The telephone number that § 87(2)(b) stated he dialed was that of the front desk of the 73<sup>rd</sup> Precinct, as confirmed when the undersigned called the number on March 29, 2018. The 73<sup>rd</sup> Precinct Roll Call for the time of occurrence indicates that PO Rossignolo was assigned to work as the telephone switchboard operator (Board Review 16).

In an interview at the CCRB, PO Rossignolo stated that he was on restricted duty as the cell attendant at the time of the incident (Board Review 17). He did not know who the telephone switchboard operator was on that day. The telephone switchboard operator may have been either an officer or a civilian. PO Rossignolo did not generally answer calls from civilians to the stationhouse as the cell attendant. PO Rossignolo had no recollection of an individual by § 87(2)(b)'s name or of ever interacting with § 87(2)(b). PO Rossignolo did not say or hear an officer say, "Well, if you don't come and pick up those children, you're arrested." He did not say or hear an officer say that he did not have to explain who he was over the telephone.

PO Rossignolo's memo book confirms that he worked as a cell attendant on March 4, 2018 and contains no entries related to this incident (Board Review 18). The 73<sup>rd</sup> Precinct was unable to produce a telephone switchboard log from March 4, 2018 (Board Review 19). The roll call indicates that at least four males aside from PO Rossignolo were working at the stationhouse at the time of occurrence (Board Review 16).

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is § 87(2)(b)'s third CCRB complaint (Board Review 20). None of the allegations in § 87(2)(b)'s prior cases were substantiated.
- Police Officer Crystal Horne has been a member of the NYPD for seven years and has had one previous CCRB allegation which was not substantiated.
- Police Officer Stacey Ellis has been a member of the NYPD for nine years and has had eight CCRB allegations against her across three cases. One of the allegations was substantiated. § 87(2)(b)
  - In CCRB 201300228, an allegation of an improper frisk performed by PO Ellis was substantiated with charges by the CCRB. PO Ellis was found guilty in administrative prosecution and forfeited two days of vacation.

### **Mediation, Civil and Criminal Histories**

- This case was ineligible for mediation due to § 87(2)(b)'s arrest.
- As of June 20, 2018, § 87(2)(b) had not filed a Notice in regards to this incident inquiry was sent according to the Office of the City Comptroller (Board Review 21).

- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

Squad No.: 16

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date